

RECEIVED STATE OF MISSISSIPPI

JUL 22 1997

FCC MAIL ROOM



DOCKET FILE COPY ORIGINAL

OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

Frank Spencer
Special Assistant Attorney General

July 17, 1997

VIA FEDERAL EXPRESS

Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

**RE: In the Matter of Federal-State Joint Board Recommended Decision
CC Docket No. 96-45**

Dear Sir or Madam:

Enclosed for filing please find the original and four (4) copies of the **JOINT COMMENTS OF THE MISSISSIPPI COUNCIL FOR EDUCATION TECHNOLOGY AND MISSISSIPPI LIBRARY COMMISSION IN RESPONSE TO THE JOINT PETITION FOR A STAY PENDING JUDICIAL REVIEW** filed by Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell on July 3, 1997 in the above referenced docket.

Please return to me one copy, file-marked, in the enclosed stamped envelope.

Thank you for your assistance in this matter.

Sincerely,

Frank Spencer
Special Assistant Attorney General

FS/rl
Enclosures
cc: All parties

Number of copies rec'd 0

RECEIVED
JUL 22 1997
FCC

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of)
Federal-State Joint Board)
Recommended Decision)
To: The Commission)

CC Docket No. 96-45

**JOINT COMMENTS OF THE MISSISSIPPI COUNCIL FOR EDUCATION
TECHNOLOGY AND MISSISSIPPI LIBRARY COMMISSION
IN RESPONSE TO THE JOINT PETITION
FOR A STAY PENDING JUDICIAL REVIEW**

The Mississippi Council for Education Technology and The Mississippi Library Commission hereby file their Comments in response to the JOINT PETITION FOR A STAY PENDING JUDICIAL REVIEW filed by Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell on July 3, 1997:

1. The Mississippi Council for Education Technology (Council) is a statutorily created Council in Mississippi, some of whose duties include:

- a. To serve as an advisory body to the State Board of Education;
- b. To develop the State long-range master plan for the efficient and equitable use of technology at all educational levels from primary

school through higher education, including vocational and adult education;

- c. To create, oversee and monitor a well-planned and efficient network of technology services to meet the educational and informational needs of the State schools;
- d. To encourage an environment receptive to technological progress in education in the State; and
- e. To create the strategic plan for distance learning in the state.

Members of the Council include the State Superintendent of Education, the Executive-Director of the State Information Technology Services, the Executive-Director of Mississippi Educational Television, the Executive-Director of the Mississippi Library Commission, the Executive-Director of the State Board for Community and Junior Colleges and the Commissioner of Higher Education.

2. The Mississippi Library Commission is a statutorily created State agency which is responsible for the establishment of, funding for, and the provision of expert and technical assistance to libraries in the State.

3. Providing “universal service” access to telecommunications for schools and libraries is a vital part of support for education in today’s technology driven society. Mississippi is a largely rural state with a substantial portion of its citizenry living below

the poverty level (23.8%), 8.7% earning at or below minimum wage, and another 19.5% earning between \$4.26 and \$5.12 per hour.

4. The previous order of the Commission in this Docket was a well reasoned decision which will be very beneficial to the educational systems in Mississippi when fully implemented. The requested stay would be extremely detrimental to all levels of our education system. School districts in Mississippi, which represent 500,000 students have done a great deal of preliminary work to plan for the implementation of the Commission order; for instance:

At the district level:

Since May, districts have been re-examining their technology plans to ensure that they are up to date and meet the standards in the law. Because Mississippi will be eligible for large discounts (80% as a state), the discounts will have a profound effect on the amount of telecommunications services and equipment that districts can purchase with existing funds. Districts have been re-evaluating FY98 budget expenditures based on "e-rates" discounts being available in January, 1998. Because our fiscal year begins July 1, 1998, to stop the process now would do irreparable harm to the budgeting and planning processes of the districts and schools that are basically complete.

At the state level:

Planners with our state telecommunications backbone which provides Internet access and serves as the network backbone for video and data for our schools and libraries have already been conducting preliminary work to prepare for the additional bandwidth needed when discounts are put in place and enable districts to afford more bandwidth. Existing contracts and anticipated growth are being evaluated. It is our conclusion that the reduced line charges due to the discounts will be offset by the increased demand for bandwidth. Therefore, at the state level, the most serious problem faced is to respond to these changes. To grant a stay would seriously inhibit our ability to plan and adequately provide for the anticipated growth.

At the school level:

Mississippi is the recipient of a federal Star Schools Grant. The primary goal of the grant is to provide resources for distance learning in the form of interactive video classes on advanced courses such as Award Placement English, Japanese, and Advanced Statistics to smaller, under served schools, and to schools on the low end of the economic scale. These schools are the schools least able to pay the

video line charges. During school year 1996-97, fifty schools paid approximately \$875,000 in video line charges. During the 1997-98 school year, 90 schools will pay approximately \$700,000 in video line charges. The approximately 40 new schools that have been recently added applied to be in the program anticipating the reduction in rates as a result of the e-rate. Should a stay be granted, many of these schools would have to drop out of the program because of their inability to afford the line charges. Such schools and their students are the very schools and students that the grant was designed to help.

5. In a largely rural state such as Mississippi, the impact of staying the implementation of the "Universal Service Order" would have a definite negative impact on the public libraries. The public libraries have been preparing budgets, studying how far state and local funding can be stretched, while working with the Mississippi Library Commission to gather information to include in the statewide technology plan in order to apply as soon as possible for universal services support. If implementation of universal services discounts were delayed, many of the libraries in Mississippi would have to disconnect the telecommunications lines that link them to the statewide network. Preventing implementation of the e-rate discounts would then deny the promise of equality of access to the poorest citizens in the state.

The Mississippi Library Commission is in the process of implementing a network to place a single PC connected to the state network in 219 public libraries in 82 counties of the state. The network connects the libraries to the Internet and thus to other services such as: a union catalog of library holdings from libraries throughout the state; an online interlibrary loan system that will facilitate sharing of resources among libraries; and access to online databases provided as a part of a statewide library consortium. Approximately 100 libraries have been connected to date and over the next 4-5 months the remaining libraries are scheduled to come online.

Ongoing funding was recognized at the very beginning of the planning process as a basic hurdle that would have to be overcome. The state of Mississippi found the one-time money, through a combination of bond funds and general appropriations, to pay for the equipment and services needed to implement a statewide network. In addition, the Legislature has allocated some state funds as seed money to aid libraries in paying for their ongoing telecommunications line charges. The remainder of those costs as well as other costs such as equipment to connect additional PCS (purchased with local funds, grant money, or donations) to the network, maintenance for equipment, etc., must come from local funds.


Since local funds are already thinly stretched, many libraries would be unable to support telecommunications services in addition to services already offered.

Mississippi's counties are poor. Even the county with the highest per capita income

in the state is below the national average. Library support per capita in Mississippi range from \$2.05 to \$15.57 in fiscal 1996 (last available data). The national average in FY96 was \$22.23 (*Library Journal*, January 1997, p.45). Library collections in all but the most prosperous areas have always been inadequate to provide more than basic informational needs. Indeed, in the poorest counties, aspiring to provide basic library tools is the most they could have hoped for. Now, excitement is very high over the fact that, for the first time, information will be available in the libraries in the poorest, most rural communities, the communities whose citizens would be the least likely to afford their own private access. If the e-rate is not implemented, poorer libraries will either have to sacrifice traditional services to offer connectivity or disconnect form the network -- a poor choice either way.

6. For these reasons, these Commentors respectfully request that the Commission deny the Petition.

Respectfully submitted,

By: 

Frank Spencer, Special Assistant Attorney General
Counsel to
Mississippi Library Commission
Mississippi Council for Educational Technology

JUL 22 1997
FCC

CERTIFICATE OF SERVICE

I, FRANK SPENCER, SPECIAL ASSISTANT ATTORNEY GENERAL, do hereby certify that I have this day, by 1st Class Mail, delivered, a true and correct copy of the foregoing COMMENTS OF THE MISSISSIPPI COUNCIL FOR EDUCATION TECHNOLOGY AND THE MISSISSIPPI LIBRARY COMMISSION IN RESPONSE TO THE JOINT PETITION FOR A STAY PENDING JUDICIAL REVIEW upon all parties of record.

THIS the 17th day of July, 1997.


FRANK SPENCER